

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:
CHARLES J. GROSS
MCGUIREWOODS, LLP
1750 TYSONS BOULEVARD, SUITE 1800
MCLEAN, VA 22102

Date of mailing
(day/month/year)

31 JAN 2005

Applicant's or agent's file reference

FOR FURTHER ACTION

See paragraph 2 below

International application No.

International filing date (day/month/year)

Priority date (day/month/year)

PCT/US04/34494

20 October 2004 (20.10.2004)

20 October 2003 (20.10.2003)

International Patent Classification (IPC) or both national classification and IPC

IPC(7): H04L 9/00 and US Cl.: 713/160

Applicant

DRM TECHNOLOGIES, LLC.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/ US

Mail Stop PCT, Attn: ISA/US
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Facsimile No. (703) 305-3230

Authorized officer

for Michelle R. Eden
Andrew Caldwell

Telephone No. 305-3900

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/US04/34494

Box No. I Basis of this opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).

2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

☐ a sequence listing

☐ table(s) related to the sequence listing

b. format of material

☐ in written format

☐ in computer readable form

c. time of filing/furnishing

☐ contained in international application as filed.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US04/34494

Box No. V Reasoned statement under Rule 43 bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims 1-3	YES
	Claims NONE	NO
Inventive step (IS)	Claims NONE	YES
	Claims 1-3	NO
Industrial applicability (IA)	Claims 1-3	YES
	Claims NONE	NO

2. Citations and explanations:

1. Claims 1-3 lack an inventive step under PCT Article 33(3) as being obvious over Erickson US 5,765,152 in view of Downs et al., US 6,226,618.

As for Claim 1, Erickson teaches a method of securely delivering data (abstract), comprising the steps of: creating a container having electronic content and a container identifier (fig. 5); encrypting at least one data block of the electronic content using a symmetric encryption technique and encrypting a header associated with a first data block of the electronic content using an asymmetric encryption technique (fig. 1A: item 21 "Header", fig. 5). Downs teaches the features not taught by Erickson, namely the header including a symmetric decryption key (fig. 1A, item 113 Content SC; and re-keying the header using data associated with a user or a user's device to lock at least a portion of the electronic content to the user or the user's device, wherein the locked at least a portion of the electronic content can only be decrypted and accessed by the user or on the user's device when the user or user's device has been authenticated against at least the container identifier (col. 9 lines 47-60). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate these features into the system of Erickson. Motive to make this combination is found for example in col. 2 lines 52-58 where the desirability of packaging content into secure containers so as to facilitate copyright management is discussed. Incorporation of a symmetric key used in content decryption operations would facilitate this objective.

As for Claim 2, Erickson teaches a system for securely delivering data (abstract), comprising at least one component to: create a container having electronic content and a container identifier (fig. 5); encrypt at least one data block of the electronic content using a symmetric encryption technique and to encrypt a header associated with a first data block of the electronic content using an asymmetric encryption technique (fig. 1A: item 21 "Header"). Downs teaches the features that Erickson does not teach, namely the header including a symmetric decryption key (fig. 1A, item 113: "Content SC"); and re-key the header using data associated with a user or a user's device to lock at least a portion of the electronic content to the user or the user's device (col. 11 lines 30-55), wherein the locked at least a portion of* the electronic content can only be decrypted and accessed by the user or on the user's device when the user or user's device has been authenticated against at least the container identifier (col. 20 lines 40-55). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate these features into the system of Erickson. Motive to make this combination is found for example in col. 2 lines 52-58 where the desirability of packaging content into secure containers so as to facilitate copyright management is discussed. Incorporation of a symmetric key used in content decryption operations would facilitate this objective.

As for Claim 3: The claim is directed towards the computer program product embodied in a memory medium that when read, causes a processing device to carry out the method of claim 1. Therefore Claim 3 is rejected on the same basis as is claim 1.

2. Claims 1-3 meet the criteria set out in PCT Article 33(4), and thus demonstrate industrial applicability because the subject matter claimed can be made or used in industry.